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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,181	12/02/2004	Perry L. Johnson	PJ10105PUSA	5335
22045 7590 12/28/2011 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER GOTTSCHALK, MARTIN A	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 12/28/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,181

Applicant(s)

JOHNSON, PERRY L.

Examiner

MARTIN GOTTSCHALK

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. Claim 17 has been examined. Claims 1-16 are cancelled.

Response to Arguments

2. Applicant's arguments have been fully considered but they are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (US PG Pub# 2002/0138377) in view of Brichta et al (US Pat# 7,113,923, hereinafter Brichta).

As per claim 17, Weber teaches a system for initiating a witness audit comprising:

one or more computers configured (Weber: Fig 1)) to

periodically receive input specifying a query to a central database storing information representing a plurality of available audits (Weber: [0052]; Fig 10) required to obtain or maintain an accreditation, each of the queries based on requirements of the witness audit including at least one of, SIC code and accreditation type (Weber: [0006]; [0008]; [0045]-[0046]; [0074], note that a purpose of the disclosure is to satisfy occupational regulations such as those put forth by OSHA, i.e. a form of accreditation type. The Examiner notes that it is well known that in many instances, OSHA provides accreditation or certification that an entity is in compliance with its regulations. See the cited but not applied prior art below for examples of same. Note further that Applicant's specification on page 8 provides similar teachings.);

for each of the queries, provide a list of the available audits responsive to the query (Weber: [0053]-[0054]; [0056]; [0073]-[0082], note the plurality of reports associated with queries reporting both individual employee results and aggregate results. The Examiner considers a report of individual employee audits to be a type of list of available audits responsive to the query);

receive input representing a confirmation of the one or more scheduled dates for the selected audit (Weber: [0059]; [0061], i.e. the Examiner considers providing the "end date" to be a type of confirmation of the scheduled audit; See below for wherein the date is "upcoming");

and

store the confirmation in a corresponding field of the central database (Weber: [0059]).

The Examiner considers the feature reciting, "required to obtain or maintain an accreditation," to be a recitation of intended use of the claimed system. Since the applied Weber reference contains all of the claimed system elements and would be

capable of performing this intended use of the claimed system, this feature will be given little patentable weight.

Although Weber does not specifically use the term "accreditation" to describe the purpose of the disclosed audits, the Examiner notes that it is well known to demonstrate compliance with OSHA regulations using audits (such as the ones described in Weber) to support attainment of OSHA accreditation with respect to a particular group of regulations, for example those concerning industrial safety (Weber: [0003]).

Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that Weber was teaching a system that was directed to managing audits, where the audits could be used for attaining or maintaining accreditation - for example, accreditation by certain government agencies such as OSHA or FDA (Weber: [0006], even though the term "accreditation" is not explicitly used in the Weber reference.

Weber teaches displaying audit dates such as start and end dates (Weber: [0070]). Weber also teaches displaying upcoming audits (Weber: [0056], i.e. "observations are to be performed."). Weber fails to explicitly teach display of the upcoming dates, however, this is taught by Brichia. Brichia teaches a system for managing a business, including scheduling (Brichia: col 1, lns 45-51) and upcoming dates related to project audits (Brichia: col 18, lns 26-36). Thus Weber in combination with Brichia teaches

display one or more scheduled upcoming dates for a selected audit
(Brichia: col 18, Ins 26-36, e.g. "project remove date").

As for the feature which recites

receive input representing a confirmation of the one or more scheduled
upcoming dates for the selected audit,

as described above, Weber receives input representing confirmation of the completion of a scheduled audit by inputting an "end date" (Weber: [0061]). The auditing system of Weber which schedules certain audits to be performed (Weber: [0056]) could be modified by the scheduling system of Brichia so as to display actual upcoming scheduled dates, such as displayed in Brichia: Fig 25, when the audit tasks are scheduled to be performed.

It would have been obvious at the time of the invention to modify Weber with the display of upcoming audit dates as this would be an example of merely applying a known technique (Brichia) to a known system (Weber) ready for improvement yielding the predictable result of displaying audit scheduling dates.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN GOTTSCHALK whose telephone number is (571)272-7030. The examiner can normally be reached on Mon - Fri 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A. G./
Examiner, Art Unit 3693

/Jason M Borlinghaus/
Primary Examiner, Art Unit 3693
December 21, 2011